

### **REMARKS**

Applicant has amended Claims 18, 20, 21, 24, 27, 31, 33 and 34, cancelled Claims 26 and 36, and added new Claims 39 and 40. The amendments to 8, 20, 21, 24, 31, 33 and 34 merely change the recitation of "entrance orifice" to "entrance aperture." Claim 18 has further been amended to incorporate the recitation of Claim 26, which has now been cancelled. Claim 27 has been made independent. Applicants respectfully submit that all claim amendments are supported by the specification as originally filed. New Claim 39 is supported by paragraph 30 and Figure 3, and new Claim 40 is supported by claim 24, paragraphs 29 and 56, and Figure 3. Entry of the claim amendments and favorable reconsideration are respectfully requested.

Applicant gratefully acknowledges the indication of the allowability of Claims 30-32.

#### **Objection to the Specification**

By way of amendments to the specification, applicant has added an Abstract of the Disclosure on a separate sheet, and added section headings, overcoming the objections to the specification.

#### **Claim Rejections under 35 U.S.C. § 112, ¶2**

Applicant respectfully submit that these rejections have been overcome by the amendments to Claims 18-38 (changing the recitation of "entrance orifice" to "entrance aperture") and Claim 27 (making it independent), and the cancellation of Claim 36).

Applicant notes that the above claim amendments do not reflect that applicant acquiesces with the asserted rejections, but have been made merely to expedite prosecution. Specifically, in explaining the rejection to the term "orifice," the Office Action appears to interpret the "light-conducting unit" as limited to optical fiber. This is not appropriate. In fact, the Office Action, in making a § 102(e) rejection of the claims, interpreted "window 24 of Osterwalder et al." to be a light conducting unit.

### **Claim Rejections over Prior Art**

The Office Action rejected Claims 18-24, 27 and 36-38 under 35 U.S.C. § 102(e), over U.S. Patent No. 6,102,696 (Osterwalder et al.). Applicant respectfully traverses. The Office Action has not established that Osterwalder et al. discloses that “the aperture, the distance and the angle of inclination [of the light emitting elements] are selected such that the light beam illuminates an area that corresponds substantially to the surface of the entrance aperture.” The rejection is further improper because it “presumes” that Osterwalder et al. discloses elements specifically recited in the claims. See e.g. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989) (“The identical invention must be shown in as complete detail as is contained in the ... claim.”).

In order to expedite prosecution, applicant has further amended Claim 18, incorporating a recitation from dependent claim 26 that the light-emitting elements are thermally connected to the housing of the irradiation unit. Because Osterwalder et al. does not disclose such an element, applicant respectfully submits that all rejections under 35 U.S.C. § 102(e) should now be withdrawn. Similarly, the rejection of Claims 25, 28 and 33-35 over Osterwalder et al. under 35 U.S.C. § 103(a) should also be withdrawn in view of the claim amendments.

The Office Action rejected Claims 26 and 29 under 35 U.S.C. § 103 over Osterwalder et al. in view of Kennedy (U.S. Patent 5,420,768). Applicant respectfully traverses. Kennedy discloses a heat sink 15 (see Figure 2), and housing 14. However, there is no disclosure that the heat sink is thermally connected to housing 14, as Claims 26 requires. Because the prior art fails to disclose a claim element, applicant respectfully submits that the Office Action has failed to establish a *prima facie* case of obviousness. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974) (“all the claim limitations must be taught or suggested by the prior art”), *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970) (“all words in a claim must be considered in judging the patentability of that claim against the prior art.”). Accordingly, the obviousness rejection of Claim 26 should be withdrawn. If an independent claim is nonobvious under 35 U.S.C. § 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). Accordingly, the rejection of Claim 29 should also be withdrawn.

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Because Claim 18 has been amended to incorporate all the elements recited in Claim 26, applicants respectfully submit that amended Claim 18 and all claims depending therefrom, as well as newly amended Claim 27, are also free from the prior art and are in condition for allowance.

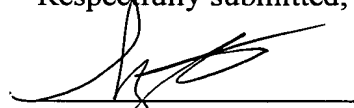
With regard to new Claims 39 and 40, applicant respectfully submits that they represent a preferred embodiment of a very slim and elongated arrangement which is not taught or suggested by the prior art, and thus are allowable.

In summary, applicants respectfully submit that all claims are now in condition for allowance and earnestly solicit the Examiner to so indicate. If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (CAM #: 010746.50916US).

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Respectfully submitted,



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